

ORDINANCE NO. _____, SERIES 2010

**AN ORDINANCE RELATING TO USE OF PORTABLE STORAGE
UNITS AND DUMPSTERS.**

Sponsored By: Councilman Brent Ackerson District 26

WHEREAS, the use of dumpsters or large portable storage containers on residential property may be helpful or necessary to maintain that property as required by law; and

WHEREAS, the use or storage of dumpsters or large portable storage containers on residential property for extended periods of time, when not necessary for repair or construction, creates a “nuisance” as defined in the Property Maintenance Code; and

WHEREAS, the absence of clear guidelines and restrictions relating to dumpsters and portable storage containers under the current scheme of laws and regulations has allowed some property owners to evade the clear intent of the laws and regulations, thereby creating safety hazards and eyesores in residential areas of Louisville Metro; therefore

BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (THE COUNCIL) AS FOLLOWS:

SECTION I: Chapter 156.005 of the Louisville Metro Code of Ordinances is amended to include the following additional language:

DUMPSTER. Any bulk container placed for use as a depository for refuse, trash, garbage, construction materials or debris, except that the term DUMPSTER shall not

include any such container that by size may not hold in excess of 90 gallons of materials.

PORTABLE STORAGE UNIT(S). Any container, storage unit, shed-like container or other portable structure that can or is used for the storage of personal property of any kind and which is designed or intended to be located for such purposes outside an enclosed building for a temporary period of time until the portable storage unit is moved to an off-site location.

SECTION II: Chapter 156.052 of the Louisville Metro Code of Ordinances is amended to included the following additional language:

(H) Usage, frequency and duration for Dumpsters and Portable Storage Units.

(1) Usage of portable storage unit. No portable storage unit shall be placed or maintained on any real property, public or private, within Louisville Metro except in accordance with the requirements of this section. No portable storage unit shall be placed or maintained on any real property, public or private, within Louisville Metro except that 1 portable storage unit may be located or maintained by a person upon real property under the ownership or control of that person within Louisville Metro either to hold or to secure property of such person that cannot conveniently be maintained within a residential structure upon such real property as a result of construction work within such residential structure; or for loading or unloading property when moving to or from a residential structure located on such real property.

(2) Usage of dumpsters. No dumpster shall be placed or maintained on any real property, public or private, within Louisville Metro except in accordance with the requirements of this section. No dumpster shall be placed or maintained on any real property, public or private, within Louisville Metro except that 1 dumpster may be used for holding refuse, garbage, construction materials or debris when cleaning, maintenance or other construction work on a property or a residential structure located on such lot may require a place to throw away large amounts of waste; or for holding waste when moving to or from a structure located on that lot.

(3) Frequency and duration. As used in this section, an "event" shall consist of the delivery and pick-up of the portable storage unit or multiple deliveries and pick-ups within a consecutive 30 calendar day period. No portable storage units and no dumpsters, otherwise permitted by this section to be placed or maintained on any real property within Louisville Metro, shall be maintained for a period of time in excess of 30 successive calendar days per event, and no person shall cause more than 3 events per calendar year to occur with respect to any single residential structure located in the Louisville Metro. There shall be at least 30 calendar days in between each event. Notwithstanding the foregoing, upon application, the Planning Commission may permit the occurrence of an event lasting more than of 30 calendar days described above for construction or other activity on the property for which the portable storage units or dumpster is required.

(4) Permits Required A permit issued by Louisville Metro Government is required to place a portable storage unit on any premises for longer than 7 days. For the first event in a calendar year requiring a permit under this section, the fee shall be \$15.

For the second event in a calendar year requiring a permit under this section Louisville Metro shall inspect the premises where the portable storage unit or dumpster unit is placed at the time the permit is issued and every 14 days thereafter. The fee for the permit shall be \$115.00 to compensate Louisville Metro for the added expense of inspection.

For the third event in a calendar year requiring a permit under this section Louisville Metro shall inspect the premises where the portable storage unit or dumpster unit is placed at the time the permit is issued and every 5 days thereafter. The fee for the permit shall be \$415.00 to compensate Louisville Metro for the added expense of inspection.

Portable storage Unit or Dumpster permits shall be displayed either on the front of the container in a plastic liner or in the front window of a residence or other structure located on the property upon which the Portable Storage Unit or Dumpster is placed.

(5) Location. No portable storage units or dumpsters shall be located in any street or public right-of-way, except as part of construction activity being conducted by or on behalf of a governmental unit within a street or public right-of-way. No portable storage units or dumpsters designed to serve the occupants of any private property shall be located other than in a driveway, rear or side yard of such property and not

closer to a street or lot line than any front, side or rear yard setback required for the construction of buildings upon such property. No portable storage units or dumpsters designed to serve the occupants of any private property shall be located closer than 15 feet to any residential structure located on an adjacent parcel of land.

(6) Responsibilities of vendors and users. The vendor of any portable storage unit or dumpster shall ensure that the unit is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks. When not being accessed immediately by a person, the portable storage unit shall be kept locked. Dumpster lids and doors shall be kept tightly and completely closed when not in use. No hazardous substances may be stored or kept within a portable storage unit and/or dumpster. The area surrounding the dumpster shall be kept clean and free of loose debris. The vendor shall indicate their name and contact telephone number on the portable storage unit or dumpster.

The vendor shall be required to confirm that a valid permit has been issued to the owner occupier of land upon which such Portable Storage Unit or Dumpster is to be situated before placing such Portable Storage Unit or Dumpster upon any property or allowing such Portable Storage Unit or Dumpster to remain on any property. It shall be unlawful for a vendor to place, or allow to remain, a dumpster or portable storage unit upon any property when a permit for the use of a dumpster or portable storage unit is required and has not been obtained.

(7) Calamity or Emergency Exception: If the portable storage unit is being used to store personal property as a result of a major calamity (e.g. fire, flood, or other

event where there is significant property damage), the head of the agency of Louisville Metro assigned by the mayor to enforce the Property Maintenance Code, or his designee may extend the time periods provided in this section.

SECTION II: This Ordinance shall take effect upon its passage and approval.

Kathleen J. Herron
Metro Council Clerk

Thomas L. Owen
President of the Council

Jerry E. Abramson
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

MIKE O'CONNELL
Jefferson County Attorney

BY: _____